



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

August 15, 2001 **DOCKET FILE COPY ORIGINAL**

Magalie R. Salas, Secretary  
Office of the Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

**RECEIVED**  
AUG 20 2001  
FCC MAIL ROOM

Re: CC Docket No. 96-45  
Supplemental Notice and Comments of the Pennsylvania Public  
Utility Commission

Dear Ms. Salas:

On behalf of the Pennsylvania Public Utility Commission, I am filing this  
Supplemental Notice and Comments of the Pennsylvania Public Utility Commission.

Sincerely,

*Elizabeth H. Barnes*

Elizabeth H. Barnes  
Assistant Counsel

EHB:gac

Enclosure

cc: As per Certificate of Service

No. of Copies rec'd 0  
List A B C D E

RECEIVED

AUG 20 2001

FCC MAIL ROOM

**CERTIFICATE OF SERVICE**

I, Elizabeth H. Barnes, hereby certify that I have on this fifteenth day of August, 2001, served a true and correct copy of the Supplemental Notice and Comments of the Pennsylvania Public Utility Commission in CC Docket 96-45 upon the persons and in the manner indicated below:

Magalie R. Salas, Secretary  
Office of the Secretary  
FCC  
1919 M Street, NW  
Washington, DC 20554

Jeannie Grimes  
Common Carrier Bureau  
FCC  
2000 M Street, NW, Suite 235  
Washington, DC 20554

ITS  
1231 20<sup>th</sup> Street, NW  
Washington, DC 20036

Kathleen Q. Abernathy, Commissioner  
FCC  
1919 M Street  
Washington, DC 20554

A. Richard Metzger, Chief  
Common Carrier Bureau  
FCC  
1919 M Street, NW, Room 500  
Washington, DC 20554

Marianne Gordon  
Common Carrier Bureau  
FCC  
1919 M Street, Room 500  
Washington, DC 20554

Michael J. Copps, Commissioner  
FCC  
1919 M Street, NW  
Washington, DC 20554

Kevin J. Martin, Commissioner  
FCC  
1919 M Street  
Washington, DC 20554

Gloria Tristani, Commissioner  
FCC  
1919 M Street  
Washington, DC 20554

Daniel Python, Chief  
Wireless Telecommunications  
FCC  
2025 M Street, NW, Room 5002  
Washington, DC 20554

Geraldine Matise  
Common Carrier Bureau  
FCC  
1919 M Street, Room 500  
Washington, DC 20554

Michael Powell, Chairman  
FCC  
1919 M Street  
Washington, DC 20554

AUG 20 2001

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**SUPPLEMENTAL NOTICE AND COMMENTS OF THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The *Universal Service First Report and Order* of May 8, 1997, addressed the issues of funding for schools and libraries in “rural areas” of the country. Section 54.5 of the Commission’s rules described what defined a “rural area.” The PaPUC requested a waiver of the definition for nine of Pennsylvania’s counties. On January 2, 1998, the Commission’s Common Carrier Bureau issued a Memorandum Opinion and Order

RECEIVED

AUG 20 2001

FCC MAIL ROOM

denying the PaPUC's request for a waiver from the definition of "rural area" contained in Section 54.5 of the Commission's rules. On February 2, 1998, the PaPUC filed a Combined Petition For Reconsideration of the Commission's Memorandum Opinion and Order of January 2, 1998. The PaPUC wishes to pursue its petition for reconsideration and we respectfully request the Commission reconsider its Order of January 2, 1998.

The PaPUC supported its petition for reconsideration with new and relevant supplemental evidence not reasonably discoverable at the time of the initial pleadings, sufficient to warrant reconsideration under the law. This new and relevant supplemental evidence is substantially likely to affect the implementation of Sections 254(b) and 254(h) of TA-96.

Pennsylvania has nine counties which meet the criteria of "modified non-urbanized" rural areas based on 1990 Census Bureau definitions and data. Each of the nine counties has a population that is less than 50% urbanized and no county possesses a central city. We note that although a newer census was taken in the year 2000, the results of said census have yet to be published. According to the Pennsylvania State Data Center, publications of information should begin in September 2001, and the PaPUC intends to review any publications for any census changes that would affect the criteria of "modified non-urbanized" rural areas.

In addition, Pennsylvania developed initiatives before the Act that focus on the challenges facing these rural counties. Each county contains rural school districts and has designated health care shortage areas. In its petition for reconsideration, the PaPUC submitted corroborative evidence showing that these counties contain rural telecommunications carriers as defined under the Act and that all nine rural counties pay

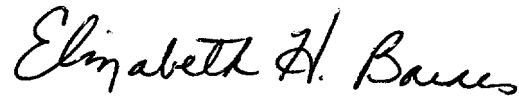
RECEIVED

AUG 20 2001

FCC MAIL ROOM

higher T-1 rates than are charged in urban counties in order to obtain the basic and advanced telecommunications services envisioned by the Act.

Respectfully submitted,



Elizabeth H. Barnes  
Assistant Counsel  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, Pennsylvania 17120  
(717)772-5408

Dated: August 15, 2001